

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: WIMROITHER, W. ET AL-1 (PCT)

SERIAL NO.: 10/538,313

INT'L.APPLN.NO.: PCT/AT2003/000318 INT'L.FILING DATE: October 22, 2003

FOR: PROTECTIVE CAP FOR A CONTACT PIPE IN A WELDING TORCH IN ADDITION TO A WELDING TORCH EQUIPPED WITH SAID CAP.

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. §371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

MAIL STOP PCT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

In response to the enclosed "Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US)" dated February 9, 2006, submitted herewith is the duly executed DECLARATION and POWER OF ATTORNEY, along with a check in the amount of \$130.00, to cover the surcharge for the late filing of the Declaration for a large entity.

Also enclosed is the International Preliminary Examination Report.

Any fee deficiencies may be charged to deposit account 03-2468.

Respectfully submitted,
WIMROITHER, W. ET AL-1 (PCT)


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Enclosures: Form PCT/DO/EO/905, International Preliminary Examination, Executed Declaration/Power of Attorney, and check for \$130.00.

EXPRESS MAIL NO.: EV 857 473 194 US
Date of Deposit: February 23, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Kelly Espitia

WCC
CPI 2/14/06

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
|-----------------------------|-----------------------|------------------|

10/538,313

Walter Wimroither

WIMMROITHER, W. ET
AL-1

INTERNATIONAL APPLICATION NO.

PCT/AT03/00318

I.A. FILING DATE

10/22/2003

PRIORITY DATE

12/12/2002

25889

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

CONFIRMATION NO. 4132

371 FORMALITIES LETTER



OC000000017980545

Date Mailed: 02/09/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/13/2005
- English Translation of the IA filed on 06/13/2005
- Copy of the International Search Report filed on 06/13/2005
- Copy of IPE Report filed on 06/13/2005
- Copy of Annexes to the IPER filed on 06/13/2005
- Preliminary Amendments filed on 06/13/2005
- Information Disclosure Statements filed on 06/13/2005
- Request for Immediate Examination filed on 06/13/2005
- Copy of references cited in ISR filed on 06/13/2005
- U.S. Basic National Fees filed on 06/13/2005
- Priority Documents filed on 06/13/2005
- Non-English Language Application filed on 06/13/2005
- Specification filed on 06/13/2005
- Claims filed on 06/13/2005
- Abstracts filed on 06/13/2005
- Drawings filed on 06/13/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|----------------------------|
| 10/538,313 | PCT/AT03/00318 | WIMMROITHER, W. ET AL-1 |